

ORDINANCE NO. 87-35

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
3 PALM BEACH COUNTY, FLORIDA, PROVIDING FOR A PLAN  
4 REVIEW FEE FOR PALM BEACH COUNTY FIRE/RESCUE AMENDING  
5 PARAGRAPH D OF SECTION 1.04 OF THE STANDARD FIRE  
6 PREVENTION CODE AS AMENDED; PROVIDING FOR REPEAL OF  
7 LAWS IN CONFLICT; PROVIDING FOR INTERPRETATION OF  
8 CAPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
9 INCLUSION IN CODE OF LAWS AND ORDINANCES; PROVIDING  
10 FOR APPLICABILITY AND PROVIDING FOR AN EFFECTIVE  
11 DATE.

12 WHEREAS, Ordinance No. 83-23 created Palm Beach County  
13 Fire/Rescue in order to provide fire protection and advance life support  
14 fire/rescue services; and

15 WHEREAS, Florida Statutes Chapter 125.01(1)q authorizes  
16 counties to establish Municipal Service Taxing Units and to derive funds  
17 from the service charges and fees necessary to provide these functions;  
18 and

19 WHEREAS, Laws of Florida, Chapter 83-495 requires uniformity of  
20 ordinances and charges between the municipal services taxing units and  
21 cities receiving services under contract; and

22 WHEREAS, Ordinance No. 84-3 authorizes the Palm Beach County  
23 Fire/Rescue Administrator or his representatives to review plans for  
24 construction, alteration, or remodeling of new or existing buildings  
25 excluding single family and duplex units; and

26 WHEREAS, Palm Beach County's Infrastructure Task Force has  
27 recommended and the Board of County Commissioners of Palm Beach County  
28 finds that it is desirable that the funding for these activities be  
29 provided by the persons, firms, or corporations benefitting from such  
30 services; and

31 WHEREAS, all funds generated from these fees will be used only  
32 to off-set those costs associated with the fire plans review and  
33 inspection process; and

1           WHEREAS, the adoption of this ordinance will be to the benefit  
2 of the public welfare by providing a mechanism by which to fund this  
3 essential function of County government.

4           NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

6           SECTION 1:

7           Section 1.04 of the Standard Fire Prevention Code as amended  
8 and adopted by Section 2 of Ordinance No. 84-3 is hereby amended to read  
9 as follows:

10           1.04 RESPONSIBILITY.

11           A. The Fire/Rescue Administrator of Palm Beach County shall be  
12 responsible for the enforcement of the Code and all State laws under his  
13 jurisdiction, within the operational purview of Ordinance 83-23, per-  
14 taining to the prevention, investigation and suppression of fires. The  
15 Fire/Rescue Administrator shall appoint a Fire Marshal who shall have the  
16 authority to enforce the provisions of this Code. Hereafter, in the  
17 Code, where the term Fire Official appears, it shall mean the Fire  
18 Marshal or his authorized representatives.

19           B. All plans for construction, alteration or remodeling of any  
20 new or existing buildings, including the installation, modification or  
21 removal of any system shall be reviewed by the Fire Marshal for evidence  
22 of compliance with this Code. If the plans submitted for review are found  
23 not to be in compliance with this Code, the Fire Marshal shall give such  
24 reasons for rejection in writing to the applicant. The Fire Marshal may  
25 require tests or other investigations to be conducted by an agency  
26 satisfactory to the jurisdiction when an appliance, device, equipment or  
27 system intended for installation does not specifically meet the  
28 requirements of this Code. Such tests or investigations shall be based  
29 upon nationally accepted test standards or principles.

30           C. A letter of Fire Code Compliance or noncompliance shall be  
31 issued by the Fire Marshal to the Building Official prior to the Building  
32 Official issuing a Certificate of Occupancy for the premises for which a  
33 building permit has been issued.

## 1 D. PLAN REVIEW AND INSPECTION FEES.

## 2 (1) PURPOSE

3 The purpose of this paragraph D is to provide a means by which  
4 to fund actual costs associated with Palm Beach County Fire/Rescue's  
5 plans plans review and inspection services. The fee schedule set  
6 forth herein is intended to permit the fire prevention bureau of Palm  
7 Beach County Fire/Rescue to offset the costs of the services through a  
8 user fee.

## 9 (2) SCOPE

10 The provisions set forth in this Section shall apply to all  
11 construction for which the Fire/Rescue Administrator of Palm Beach County  
12 is responsible for, as provided for in Ordinance No. 83-23 and 84-3, as  
13 have been or may be amended.

## 14 (3) FEES

15 (a) A fee as prescribed in Paragraph (b) and (c) of this  
16 paragraph (3) shall be paid at the time of application for a building  
17 permit.

18 (b) Review fees shall be based on the estimated value and  
19 calculated at the following percentage rate:

20 LEVEL 1	.5%	\$0.00 - \$10,000.00
21		plus
22 LEVEL 2	.25%	\$10,001.00 - \$100,000.00
23		plus
24 LEVEL 3	.125%	\$100,001.00 - \$500,000.00
25		plus
26 LEVEL 4	.0625%	\$500,001.00 - \$1,000,000.00
27		plus
28 LEVEL 5	.03125%	\$1,000,001.00 - and up

29 (c) A flat fee of \$225.00 shall be paid for the review of each  
30 tri-plex or four-unit residential structure.

31 (d) The minimum fee shall not be less than \$10.00.

32 (e) There shall be no charge for those inspections established  
33 by the Fire/Rescue Administrator or his authorized representative to  
34 ensure that the work is in accordance with this Palm Beach County Fire  
35 Code. A reinspection fee of \$25.00 shall be charged for reinspection

1 which may be made due to the fact that the work is not ready as specified  
2 at the time of schedule inspection, because the work did not meet the  
3 Code, or for any reason caused by the applicant which requires an  
4 additional trip to the job site by the Inspector.

5 (4) DESIGN REVIEW

6 Prior to application for a permit, the owner, contractor or  
7 designer may request design review. This review shall be conducted in  
8 accordance with this section together with the policy and procedures  
9 established by the Fire Official. The cost for this review shall be  
10 \$50.00 and shall not be refunded.

11 This process is intended for structures or projects in the  
12 design stage which have limited working drawings. The review is  
13 intended to aid the applicant by familiarizing them with code  
14 requirements which may effect their design.

15 (5) PLAN REVISIONS

16 Revisions to plan shall be in accordance with the following  
17 together with the policy and procedures established by the Fire Official.

18 (a) Minor Revisions (two sheets or less)/Pre-permit

19 Prior to the issuance of a permit, minor revisions will be  
20 accepted at no charge.

21 (b) Major Revisions/Pre-permit

22 Prior to the issuance of a permit, major revisions shall be  
23 accepted for 10% of the original fee. However, should the revision  
24 increase the estimated value or require a separate permit, the applicant  
25 shall be required to pay an additional fee in accordance with Section  
26 (3)(b), in lieu of the 10%.

27 (c) Minor Revisions (two sheets or less)/Post-permit

28 Once a permit has been issued, minor revisions will be  
29 processed for a minimum fee of \$10.00. However, should the revision  
30 increase the estimated value or require a separate permit, the  
31 applicant shall be required to pay an additional fee in accordance with  
32 Section (3)(b).

1 || (d) Major Revisions/Post-permit

Once a permit has been issued, major revisions shall be processed for \$2.50 per page, with a minimum fee of \$10.00. However, should the revision increase the estimated value or require a separate permit, the applicant shall be required to pay an additional fee in accordance with Section (3)(b) in lieu of the above.

7 (e) Restamps

8                   Once a permit has been issued, restamps shall be processed  
9                   for \$1.00 per page, with a minimum fee of \$10.00.

10 (f) Invalid Permits

11           If construction has not commenced, an invalid permit as  
12        defined in Section 103.6.1 of the Palm Beach County Building Code  
13        Amendments may be reviewed for 30% of the current fee in Section (3)(b).  
14        If construction has commenced, invalid permit may be reviewed upon  
15        payment of a fee for the value of work remaining based on the present  
16        fee schedule.

17 (6) WATER FLOW TESTS

18           A fee of \$50.00 shall be assessed for water flow tests  
19 performed by Palm Beach County Fire/Rescue as required by Ordinance No.  
20 84-3.

21 (7) CIVIL DRAWINGS

22           A fee of \$25.00 shall be assessed for any drawing reviewed by  
23           Palm Beach County Fire/Rescue, including civil drawings, for work for  
24           which a building permit is not issued.

25 (8) REFUNDS

26 Refunds for any fee which exceeds the amount of \$100.00, a  
27 refund may be obtained. The refund shall be in the amount of 70% of the  
28 amount paid over \$100.00. The refund request must be in the form of a  
29 letter submitted to Palm Beach County Fire/Rescue containing the permit  
30 number and the reason such refund is requested. It must be received by  
31 Fire/Rescue within 30 days of the permits date of issuance.

1 (9) RECORDS

2                   The Fire/Rescue Administrator or his authorized representative  
3 shall keep a permanent and accurate account of all permit fees and other  
4 monies collected, the names of all persons upon whose account the same  
5 was paid, the date and amount thereof.

## 6 (10) DEFINITIONS

7                   Estimated Value--the cost of all construction. If in the  
8                   opinion of the Fire/Rescue Administrator or his authorized  
9                   representatives, the value is understated on the application, the permit  
10                  shall be denied, unless the applicant provided detail cost estimate which  
11                  meets the approval of the Fire/Rescue Administrator or his authorized  
12                  representative.

15 (11) ANNUAL REVIEW

16                   The fee schedule set forth herein shall be reviewed annually  
17 and if necessary amended to reflect the cost for providing the plan  
18 review and inspection processes.

19 || SECTION 2. REPEAL OF LAWS IN CONFLICT

20 All local laws and ordinances applying to the unincorporated  
21 area of Palm Beach County in conflict with any provisions of this  
22 ordinance are hereby repealed.

23 SECTION 3. INTERPRETATION OF CAPTIONS

24 The captions, section headings and section designations used in  
25 this Ordinance are intended for convenience of users only and shall have  
26 no effect on the interpretation of the provisions of this ordinance.

27 SECTION 4. SEVERABILITY

28           If any section, paragraph, sentence, clause, phrase, or word of  
29 this ordinance is for any reason held by the Court to be unconstitu-  
30 tional, inoperative or void, such holding shall not affect the remainder  
31 of this ordinance.

1 SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

2 The provisions of this ordinance shall become and be made a  
3 part of the code of laws and ordinances of Palm Beach County, Florida.  
4 The Sections of the ordinance may be renumbered or relettered to  
5 accomplish such, and the word "ordinance" may be changed to "section,"  
6 "article," or any other appropriate word.

7 SECTION 6. APPLICABILITY

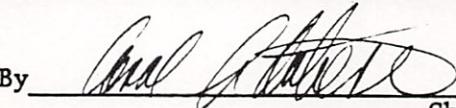
8 This Ordinance shall be effective in those municipal service  
9 taxing units established for providing fire protection and advance life  
10 support services by Palm Beach County Fire/Rescue and those  
11 municipalities who contract for such services pursuant to Laws of  
12 Florida, Chapter 83-495. The fee schedule adopted by this Ordinance  
13 shall apply as far as possible into the future until such time this  
14 Ordinance is amended or repealed.

15 SECTION 7. EFFECTIVE DATE

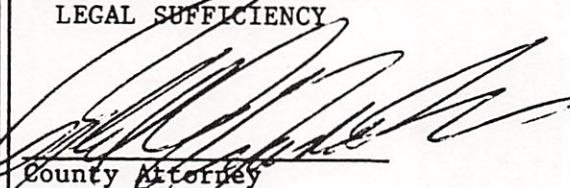
16 The provisions of this ordinance shall become effective upon  
17 receipt of acknowledgement by the Secretary of State.

18 APPROVED AND ADOPTED by the Board of County Commissioners of  
19 Palm Beach County, Florida, on the 22nd day of December, 1987.

20 PALM BEACH COUNTY, FLORIDA, BY ITS  
21 BOARD OF COUNTY COMMISSIONERS

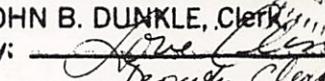
22 By  Chairman  
23

24 APPROVED AS TO FORM AND  
25 LEGAL SUFFICIENCY

26   
27 County Attorney

28 Acknowledgement by the Department of State of the State of  
29 Florida, on this, the 29th day of December, 1987.

30 EFFECTIVE DATE: Acknowledgement from the Department of State  
31 received on the 4th day of January, 1988, at 4:41  
32 P.M., and filed in the Office of the Clerk of the Board of County  
33 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex-officio Clerk of the  
Board of County Commissioners, certify this to  
be a true and correct copy of the original filed in  
my office on 12/28/87,  
DATED at West Palm Beach, FL on 1/8/88,  
JOHN B. DUNKLE, Clerk  
By:  D.G.  
Deputy Clerk